

SENATE BILL NO. 197

BY SENATOR PEACOCK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 15:587.1(A), (B)(1)(a), (C)(introductory paragraph), (D)(2), and (E) and R.S. 17:7(6), 7.1, and 15(B), (C), and (E)(1), to enact R.S. 17:8.1 through 8.9, and to repeal R.S. 17:7(6)(e) and (10), relative to the certification of educators and school personnel; to provide for conditional admission into an approved teacher education program; to provide for alternative certification for certain persons; to provide relative to teachers certified in other states; to remove requirements for certain teaching authorizations and certifications; to provide relative to the qualifications and certifications of principals, superintendents, and school psychologists; to provide relative to criminal background checks for certification and authorization to teach; to provide consistency in terminology; to recodify and redesignate certain current provisions of Title 17 of the Louisiana Revised Statutes of 1950 into a new format and number scheme, to be comprised of R.S. 17:8.1 through 8.9 without changing the text of the provisions except as provided in this instrument; to make technical and conforming changes to reflect the format and number scheme provided in this instrument; to direct the Louisiana State Law Institute to change references to segments of law in existing statutes and codes as necessary to reflect the redesignation of those segments as provided in this instrument; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(6), 7.1, and 15(B), (C), and (E)(1) are hereby amended and reenacted, and R.S. 17:8.1 through 8.9 are enacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

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(6)(a)(i) Prescribe the qualifications and provide for the certification of teachers in accordance with applicable law, which qualifications and requirements shall ensure that certification shall be a reliable indicator of the minimum current ability and proficiency of the teacher to educate at the grade level and in the subjects to which the teacher is assigned.

(ii) [Redesignated as R.S. 17:8.1(C)]

(b) [Redesignated as R.S. 17:8.2(A) and (B)(introductory paragraph) and (1)]

(i) [Redesignated as R.S. 17:8.2(B)(2)]

(ii) [Redesignated as R.S. 17:8.2(C)]

(iii) [Redesignated as R.S. 17:8.2(D)]

(iv) [Redesignated as R.S. 17:8.2(E)]

(v) [Redesignated as R.S. 17:8.2(F)]

(vi) [Redesignated as R.S. 17:8.2(G)]

(c) [Redesignated as R.S. 17:8.3]

(d) [Redesignated as R.S. 17:8.2(H)]

(e) [Repealed]

(f) [Redesignated as R.S. 17:8.8]

(g) [Redesignated as R.S. 17:8.5]

(h) [Redesignated as R.S. 17:8.7(B)]

(i) [Redesignated as R.S. 17:8.7(C)]

* * *

~~§7.1. §8.1. Certification of teachers; certification of principals and superintendents; certification of school psychologists~~

A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), the qualifications and requirements established by the State Board of Elementary and Secondary Education for certification of any applicant for certification who completes an approved teacher education program in Louisiana shall include but not be limited to the following:

(1) Beginning with the 2024-2025 academic year, that each approved teacher

1 education program shall not require more than one hundred twenty semester hours
2 of college credit for degree completion, inclusive of any classroom observation time
3 or mentorship requirements. Programs designated by the Board of Regents as dual
4 degrees or dual certifications shall be permitted to exceed the one-hundred-
5 twenty-semester-hour credit limit.

6 (2) That the applicant shall have attained a 2.20 average on a 4.00 scale as a
7 condition for entrance into a teacher education program. **However, an applicant**
8 **who has not attained a 2.20 average may be granted conditional acceptance into**
9 **a teacher education program. In order for a student granted conditional**
10 **acceptance to continue in a teacher education program that awards credit**
11 **hours, the student shall achieve a 3.00 average on the first twelve credit hours**
12 **of the program. In order for a student granted conditional acceptance to**
13 **continue in a teacher education program that does not award credit hours, the**
14 **student shall demonstrate mastery of competencies as required by the program**
15 **and by the school system in which the applicant completes required clinical**
16 **practice.**

17 (3)(a) That the applicant shall have achieved a 2.50 average on a 4.00 scale
18 at graduation from an approved program.

19 (b) An applicant who has passed all requisite examinations covering
20 pre-professional skills and content knowledge but who does not meet the
21 requirement of Subparagraph (a) of this Paragraph may be certified if ~~he completes~~
22 **upon completion of** a post-baccalaureate program, or ~~he may be employed as a~~
23 ~~teacher for a period not to exceed five years in the following manner:~~

24 ~~(i) The state superintendent of education, upon receipt of a signed affidavit~~
25 ~~by the president and superintendent of the school board to which such person has~~
26 ~~applied for employment that there is no other applicant available for employment for~~
27 ~~a specific teaching position who has met the requirements of this Section, may issue~~
28 ~~an emergency teaching permit to such person. Such permit shall be in effect for not~~
29 ~~more than five years.~~

30 ~~(ii) After five years of effective teaching evaluations pursuant to R.S.~~

1 ~~17:3902 and upon a signed affidavit of a superintendent of a school system~~
2 ~~recommending to employ the person for the following school year subject to the~~
3 ~~receipt of a valid Louisiana teaching certificate, the person shall be granted a valid~~
4 ~~standard professional level teaching certificate by the state superintendent of~~
5 ~~education, subject only to passing all provisions of law relative to background checks~~
6 ~~and criminal history review~~ **granted a provisional teaching permit pursuant to**
7 **R.S. 17:8.3.**

8 ~~(4)(a) For applicants who have participated in any undergraduate teacher~~
9 ~~education program, that the~~ **The** applicant shall **meet at least one of the following**
10 **requirements:**

11 ~~(a)~~ **complete** **Complete** the prescribed number of semester hours in the
12 teaching of reading as established in policy by the State Board of Elementary and
13 Secondary Education in accordance with the level of certification to be awarded;
14 ~~such.~~ **The** requirement to **shall** be in addition to requirements for English courses;
15 ~~and such.~~ **The** courses in the teaching of reading shall emphasize techniques of
16 teaching reading and the recognition and correction of reading problems of the
17 student **that are based on the science of reading and designed for educators and**
18 **that include information on instructing students regarding phonemic awareness,**
19 **phonics, fluency, vocabulary, and comprehension.** ~~For certification at the~~
20 ~~secondary level, not more than three semester hours in the teaching of reading shall~~
21 ~~be considered for purposes of meeting certification requirements.~~

22 ~~(b) For applicants who have participated in any alternate teacher education~~
23 ~~program as provided pursuant to rules and regulations adopted by the State Board of~~
24 ~~Elementary and Secondary Education, that the applicant shall be given the option of~~
25 ~~either completing the same amount of semester hours as required for the teaching of~~
26 ~~reading for undergraduate program applicants pursuant to this Paragraph or, in lieu~~
27 ~~of such semester hour requirements, shall possess~~ **Possess** the reading and literacy
28 competencies identified in scientifically based reading research at the national level
29 and approved by the State Board of Elementary and Secondary Education for the
30 teaching of reading.

1 (5) That the applicant shall have spent a minimum of ~~270~~ **two hundred**
 2 **seventy** clock hours in student teaching with at least ~~180~~ of such **one hundred**
 3 **eighty** hours spent in actual teaching.

4 (6) That the applicant shall have completed a substantial portion of ~~his 180~~
 5 **the one hundred eighty** hours of actual student teaching on an all-day basis.

6 *[Effective Date: Text of Paragraph ~~(A)(8)~~ **(A)(7)** effective on January 1, 2024.]*

7 *~~(7)(8)~~ That an applicant who is applying for initial certification to teach*
 8 *kindergarten through third grade shall, as part of the examination required pursuant*
 9 *to ~~R.S. 17:7(6)(b)~~ **R.S. 17:8.2**, pass a rigorous test of scientifically researched,*
 10 *evidence-based reading instruction and intervention, including data-based*
 11 *decisionmaking principles related to reading instruction and intervention, as*
 12 *approved by the Department of Education.*

13 [§7.1(B) redesignated as §17:8.4]

14 ~~§7.1(C)~~**B.** The State Board of Elementary and Secondary Education may
 15 adopt ~~such~~ **any** rules ~~as are~~ necessary for the orderly implementation of this Section
 16 and may make further provisions with regard to qualifications and requirements not
 17 inconsistent with this Section.

18 ~~§7(6)(a)(ii)~~**C.** Additionally, whenever there is a qualification or condition
 19 established by law or board policy, or both, that a teacher holding a ~~regular~~ **standard**
 20 **professional level** teacher certificate ~~which is valid for three years~~ shall comply
 21 with, in order for the teacher to be issued a ~~permanent regular~~ **standard professional**
 22 **level** teacher certificate, and it is not possible for a teacher at a nonpublic school to
 23 comply with ~~such~~ **the** qualification or condition due to the teacher being employed
 24 at a nonpublic school, the board shall establish an alternative method or process by
 25 which the nonpublic school teacher may meet ~~such~~ **the** qualification or condition. A
 26 teacher employed in a nonpublic school who meets the qualifications or conditions
 27 pursuant to the alternative method or process established pursuant to this ~~Item~~
 28 **Subsection** shall be issued a ~~permanent regular~~ **standard professional level** teacher
 29 certificate which shall be valid for all purposes in this state and under all the same
 30 conditions as if it had been issued to a teacher who complied with the qualifications

1 or conditions as otherwise established by law or board policy. Prior to establishing
 2 an alternative method or process, the board shall direct the nonpublic school
 3 commission to formulate, develop, and recommend to the board the alternative
 4 method or process by which the nonpublic school teacher may meet the qualification;
 5 or condition and the method or process established by the board shall be consistent
 6 with the recommendations of the nonpublic school commission.

7 §7.1(D) [Redesignated as R.S. 17:8.6(A)]

8 §7.1(E) [Redesignated as R.S. 17:8.6(B)]

9 ~~§7.1(F)~~ **D.** In carrying out its responsibility to prescribe the qualifications and
 10 provide for the certification of teachers under authority of R.S. 17:7(6), if the State
 11 Board of Elementary and Secondary Education enters into any agreement for the
 12 certification to teach in Louisiana of teachers certified to teach in another state, ~~such~~
 13 **the** agreement shall:

14 (1) Be reciprocal, making applicable to any other state which is a party to
 15 ~~such~~ **the** agreement and teachers certified to teach in ~~such~~ **the** other state who seek
 16 certification in Louisiana equivalent to requirements as determined by the Louisiana
 17 state Department of Education to those the agreement places on Louisiana and
 18 teachers certified to teach in Louisiana who apply for certification in ~~another~~ **the**
 19 **other** state.

20 (2) Provide for the certification in Louisiana of a teacher certified to teach in
 21 another state only if ~~such~~ **the** teacher has been employed in a professional
 22 educational capacity requiring certification as a teacher for ~~the~~ three years
 23 ~~immediately~~ preceding application for Louisiana teacher certification unless the
 24 teacher completes ~~such~~ **the** additional educational requirements as shall be approved
 25 by the State Board of Elementary and Secondary Education. The provisions of this
 26 Paragraph shall not apply to a teacher who has been certified to teach in another state
 27 for less than three years and has been employed in a professional educational
 28 capacity requiring certification as a teacher for the entire period of certification.

29 **§8.2. Teacher certification examinations**

30 ~~§7(6)(b)~~ **A.** A person applying for initial certification as a teacher in a public

1 school shall have passed satisfactorily an examination, which shall include
 2 pedagogical knowledge, and knowledge in his the applicant's area of specialization,
 3 as a prerequisite to the granting of such the certificate by the State Board of
 4 Elementary and Secondary Education.

5 B. However, a person the following persons may be issued a provisional
 6 teaching permit or an authorization to teach without meeting the requirement
 7 of Subsection A of this Section:

8 (1) Any person who is employed as a foreign language teacher in a Certified
 9 Foreign Language Immersion Program pursuant to R.S. 17:273.2, ~~and~~ who is not
 10 otherwise eligible to receive state authorization to teach through participation in the
 11 Foreign Associate Teacher Program, ~~shall not be required to pass the examination~~
 12 ~~required by this Subparagraph, but shall~~ who has at least have a baccalaureate
 13 degree, and ~~shall be subject to~~ has satisfied all provisions of state law relative to
 14 background checks and criminal history review applicable to the employment of
 15 public school personnel.

16 ~~(i) Any person certified to teach in another state who applies for certification~~
 17 ~~to teach in the public schools of Louisiana shall be required to pass satisfactorily the~~
 18 ~~examination which is administered in accordance with the provisions of this~~
 19 ~~Paragraph as a prerequisite to the granting of such certification. However, a~~

20 (2) Any teacher certified in another state who meets all other requirements
 21 for a Louisiana standard professional level teacher certificate granted to out-
 22 of-state graduates except for the satisfactory passage of the examination ~~shall be~~
 23 ~~granted a three-year provisional certificate~~ and who does not meet the
 24 requirements of Subsection C of this Section.

25 (3) Any person who meets all other certification requirements except
 26 failure to successfully pass the original examination but who scored within ten
 27 percent of the score required for passage.

28 ~~(ii) Any~~ C. In addition, any teacher who holds a valid out-of-state teaching
 29 certificate and has at least three years of successful teaching experience in another
 30 state as determined by the board shall not be required to take the examination or to

1 submit any examination scores from any examination previously taken in another
 2 state as a prerequisite to the granting of certification in Louisiana. Upon application
 3 and verification of successful teaching experience in another state by the board, the
 4 teacher shall be granted a valid standard ~~Louisiana~~ **professional level** teaching
 5 certificate provided the teacher meets all other requirements for background checks
 6 and criminal history reviews as may be required by law and board policy.

7 ~~(iii)~~**D.** The examination shall be administered to each student in a teacher
 8 education program at a public college or university in Louisiana prior to graduation
 9 and shall be administered to other applicants at any time ~~such~~ **the** examination is
 10 offered. The board shall prescribe other qualifications and requirements and shall
 11 consider other factors.

12 ~~(iv)~~**E.** The state superintendent of education shall administer the
 13 ~~aforementioned~~ policy of the board **regarding examinations**. In administering the
 14 policy, the superintendent shall choose the appropriate testing instrument, shall
 15 conduct all necessary research to validate the applicability of the instrument to
 16 teacher education programs within the state of Louisiana, and shall conduct all
 17 necessary research to determine the level at which the examination is satisfactorily
 18 completed. During the conduct of the research and in the preparation of the testing
 19 instrument, the superintendent shall meet with and consider the suggestions of
 20 individual classroom teachers, representatives of teacher organizations, deans of
 21 education of the public colleges and universities of the state, and representatives of
 22 each of the governing boards for higher education.

23 ~~(v)~~**F.** Any applicant seeking certification may apply for and take any required
 24 test or tests without limitation as to the frequency of applications or testing.

25 ~~(vi)~~**G.** The state superintendent of education shall annually submit a report
 26 to the ~~House Committee on Education and the Senate Committee on Education~~ **state**
 27 **board and publish the report on its website** relative to the examination
 28 administered pursuant to this ~~Paragraph~~ **Section**. ~~Such~~ **The** report shall include but
 29 not be limited to the following: the number of persons to whom the examination was
 30 administered, the educational background and teaching experience of ~~such~~ **the**

1 persons, the number of persons successfully completing the examination, the
 2 effectiveness of the examination, and any suggestions for improving the
 3 examination.

4 ~~§7(6)(d)~~H. Any examination selected by the state superintendent of education
 5 which would supercede the examination to be used pursuant to Subparagraph (b) of
 6 this Paragraph this Section and any criteria established to determine the level at
 7 which either the examination used or any examination selected to supercede it is
 8 satisfactorily completed shall be approved by the State Board of Elementary and
 9 Secondary Education.

10 §8.3. Provisional Teaching Permit

11 A. The State Board of Elementary and Secondary Education may issue
 12 a provisional teaching permit to:

13 (1) Any person who has not passed the examinations required pursuant
 14 to R.S. 17:8.2 and who satisfies one of the following:

15 ~~§7(6)(c)~~ Any person who holds (a) Holds at least a master's degree in the
 16 subject area in which ~~he~~ the person is seeking employment;

17 (b) Holds a bachelor's degree in the subject area in which the person is
 18 seeking employment and meets all of the following:

19 (i) Is seeking employment in a secondary school.

20 (ii) Graduated from an accredited postsecondary education institution
 21 with at least a 2.50 average on a 4.00 scale.

22 (iii) Passed all requisite examinations covering content knowledge.

23 ~~(c) or any person who meets~~ Meets all other certification requirements except
 24 ~~he failed~~ the requirement to successfully pass the original examination but who
 25 scored within ten percent of the score required for passage;

26 (2) Any person who has graduated from an approved teacher education
 27 program with less than a 2.50 average on a 4.00 scale, but who meets all other
 28 certification requirements for a standard professional level teacher certificate.

29 B. Any person holding a provisional teaching permit may be employed as
 30 a teacher for a period not to exceed five years in if both of the following manner are

1 **satisfied:**

2 ~~(i)(1)~~The state superintendent of education, ~~upon receipt of~~ **receives** a signed
3 affidavit by the president and superintendent of the school board to which ~~such~~ **the**
4 person has applied for employment that there is no other applicant available for
5 employment for a specific teaching position who has ~~met the requirements of this~~
6 **Section a valid standard professional level teacher certificate** and who **stating**
7 **that the person** has agreed to participate in a mentorship program offered by the
8 school board, ~~may issue an emergency teaching permit to such person. Such permit~~
9 ~~shall be in effect for not more than five years.~~

10 **(2) Each academic year, the person receives a successful teaching**
11 **evaluation pursuant to R.S. 17:3902.**

12 ~~C. Each teacher~~ **Any person** issued an ~~emergency~~ **a provisional** teaching
13 permit who has not completed an approved teacher education program shall be
14 required to complete a preservice training session offered by the school board prior
15 to the ~~teacher's~~ first day of teaching students.

16 ~~(ii)D.~~ At any time ~~the~~ **a** person who ~~failed to pass the examination~~ **meets the**
17 **requirements of Subparagraph (A)(1)(c) of this Section** successfully passes the
18 examination, ~~he~~ **the person** shall be certified and ~~may be employed on a permanent~~
19 ~~basis~~ **issued a standard professional level teacher certificate provided the person**
20 **meets all other requirements for background checks and criminal history**
21 **reviews as required by law and board policy.**

22 ~~(iii)E.~~ After five years of effective teaching evaluations pursuant to R.S.
23 17:3902 and upon a signed affidavit of a superintendent of a school system
24 recommending to employ the person ~~for the following school year~~ subject to the
25 receipt of a valid Louisiana teaching certificate, the person shall be granted a valid
26 standard professional level ~~teaching~~ **teacher** certificate by the state superintendent
27 of education, subject only to ~~passing~~ **complying with** all provisions of law ~~or~~ **board**
28 **policy** relative to background checks and criminal history review.

29 ~~(iv)F.~~ The period during which a teacher is working with an ~~emergency~~ **a**
30 **provisional** teaching permit granted under the provisions of this ~~Paragraph~~ **Section**

1 shall not count toward tenure.

2 **§8.4. Certification of principals and superintendents**

3 ~~§7.1(B)~~**A.**(1) Any ~~persons~~ **person** applying for initial certification as a
4 principal or vice, assistant, or deputy principal, ~~hereafter~~ referred to **in this Section**
5 as a principal, in addition to any other requirements of the State Board of Elementary
6 and Secondary Education, shall have passed the administrative portion of the
7 educational leadership exam adopted by and at a level determined by the State Board
8 of Elementary and Secondary Education.

9 (2) ~~Beginning August 15, 2003, and thereafter, any~~ **Any** person applying for
10 initial certification as a principal or superintendent, in addition to any other
11 requirements of the State Board of Elementary and Secondary Education, shall have
12 satisfactorily passed the appropriate assessment instrument selected by the board at
13 a level determined by the board.

14 (3) Any principal who holds valid out-of-state certification as a principal; **and**
15 has at least four years of successful experience as a principal in another state as
16 determined by the board; ~~and has completed one year of successful employment as~~
17 ~~an assistant principal or a principal in a Louisiana public school system~~ shall not be
18 required to take the examination administered in accordance with the provisions of
19 this ~~Subsection~~ **Section** or to submit any examination scores from any examination
20 previously taken in another state as a prerequisite to the granting of certification in
21 Louisiana provided that ~~all of the following conditions are met:~~

22 (a) ~~The principal meets all other requirements for a Louisiana certificate as~~
23 ~~may be required by law or board policy.~~

24 (b) ~~The local superintendent or his designee of the public school system~~
25 ~~employing the principal has recommended the principal for employment for the~~
26 ~~following school year subject to the receipt of a valid Louisiana certificate as a~~
27 ~~principal.~~

28 (c) ~~The local superintendent or his designee has requested, on behalf of the~~
29 ~~principal, that the principal be granted a valid Louisiana certificate as a principal~~ **the**
30 **principal meets all other requirements for a Louisiana certificate, including**

1 background checks and criminal history reviews, as may be required by law
 2 and board policy.

3 (4) A principal who holds valid out-of-state certification as a principal, and
 4 who applies to the State Board of Elementary and Secondary Education for
 5 certification as a principal, shall be granted a ~~three-year~~ five-year nonrenewable
 6 provisional certificate to be used while ~~such~~ the principal completes the
 7 requirements set forth in this ~~Subsection~~ Section.

8 B. The State Board of Elementary and Secondary Education may adopt
 9 rules as are necessary for the orderly implementation of this Section and may
 10 make further provisions with regard to qualifications and requirements not
 11 inconsistent with this Section.

12 §8.5. Certification of foreign associate teachers

13 ~~§7(6)(g)~~ The board shall develop and implement policies relative to the
 14 certification of foreign associate teachers that include ~~but shall not be limited to~~ the
 15 following components:

16 ~~(i)~~(1) The designation by the board of the appropriate foreign language
 17 associate teaching certificate to be granted to teachers who meet the certification
 18 requirements of the Foreign Associate Teacher Program.

19 ~~(ii)~~(2) Procedures for foreign language associate teaching certificate renewal
 20 upon the teacher's completion of a required number of continuing learning units as
 21 determined by the board.

22 ~~(iii)~~(3) Testing requirements for teachers holding certain foreign language
 23 associate teaching certificates who are pursuing a regular teaching certificate.

24 ~~(iv)~~(4) The expansion of languages covered under the foreign language
 25 associate teaching certificate that will allow for growth of the Foreign Associate
 26 Teacher Program.

27 ~~(v)~~(5) Support for the addition of a foreign language indicator to the list of
 28 critical certification shortage areas in the revised Teacher Preparation Accountability
 29 System to encourage universities to increase the number of foreign language teachers
 30 who complete teacher preparation programs.

§8.6. Qualifications of school psychologists

~~§7.1(D)~~**A.** The State Board of Elementary and Secondary Education shall, by regulation, prescribe the qualifications, ~~provide for the certification,~~ and provide for the supervision of school psychologists in the employ of any public agency regulated by the board, notwithstanding the provisions of R.S. 37:2363 or any other ~~provisions~~ **provision** of law to the contrary. The ~~certification requirements~~ **qualifications** shall not be less than those requirements established by the National Association of School Psychology **Psychologists. The board may deem a psychologist who meets the qualifications as certified.** Nothing ~~herein~~ **in this Section** shall be construed as permitting a person ~~certified~~ **qualified** under the provisions of this Subsection to offer to render, or to render ~~his~~ services as a psychologist in any setting other than ~~his~~ **the** institutional employment unless ~~he~~ **the person** has been licensed under the provisions of R.S. 37:2356 or licensed as a medical psychologist under the provisions of R.S. 37:1360.51 et seq.

~~§7.1(E)~~**B.** Notwithstanding any provision of law to the contrary, any person certified as a Level A school psychologist prior to September 1, 1986, shall be allowed to continue in the employment in which he was engaged and which was not specifically prohibited at the time of receiving ~~such~~ **the** certificate and may use the title "certified school psychologist" in the context of that employment.

C. The State Board of Elementary and Secondary Education may adopt any rules necessary for the orderly implementation of this Section and may make further provisions with regard to qualifications and requirements not inconsistent with this Section.

§8.7. Prohibition against granting an educator credential or teaching authorization to certain persons; appeals

A. The State Board of Elementary and Secondary Education shall not grant an educator credential, a teaching authorization, or a certification of any type to a person who has been convicted of or pled nolo contendere to any crime listed in R.S. 15:587.1(C).

~~§7(6)(h)~~**B.** The board may, **after a successful appeal,** issue ~~a teaching~~

1 certificate an educator credential or other teaching authorization to a person who
 2 has been convicted of or has pled nolo contendere to ~~an~~ a felony offense ~~listed, or~~
 3 an offense listed in R.S. 15:587.1(C), who has been found to have submitted
 4 fraudulent documentation to the board or the state Department of Education as part
 5 of an application for a teaching certificate or other teaching authorization, or who has
 6 been found to have facilitated cheating on any state assessment as determined by the
 7 board if all of the following conditions apply:

8 ~~(i)~~(1) Five years have passed from the date of entry of the person's final
 9 conviction, the date of entry of ~~his~~ a plea of nolo contendere, or the date of receipt
 10 of notification from the board of its determination that ~~he~~ the person submitted
 11 fraudulent documentation or facilitated cheating on a state assessment.

12 ~~(ii)~~(2) The board has received a request from the person for a formal appeal
 13 and has conducted a review of the person's background and the person has provided
 14 letters of recommendation to the board, all in accordance with board policies.

15 ~~(iii)~~The (3) The provisions of Subsection A of this Section shall not apply
 16 to any educator with an offense is provided for in R.S. 40:966(A), 967(A), 968(A),
 17 969(A), or 970(A) who has already been issued certification after an appeal to
 18 the board related to those specific offenses before July 1, 2023, or who has an
 19 appeal pending on June 30, 2023. ~~The board shall not grant a person who has been~~
 20 ~~convicted of or has pled nolo contendere to any other offense listed in R.S.~~
 21 ~~15:587.1(C) a teaching certificate, a teaching authorization, or an appeal.~~

22 ~~§7(6)(i)C.~~ Not later than December thirty-first of each year, the board shall
 23 ~~submit a written report to the Senate Committee on Education and the House~~
 24 ~~Committee on Education~~ post on its website a report detailing the number of
 25 appeals filed with the board for the calendar year, the offense upon which the appeal
 26 is based, the disposition of each appeal, and the number of teacher certifications or
 27 other authorization to teach issued as the result of all successful appeals. The
 28 information in the report shall be reported in aggregate and by individual school and
 29 school system.

30 D. In accordance with the Administrative Procedure Act, the board may

1 adopt any rules necessary for the orderly implementation of this Section and
 2 may make further provisions not inconsistent with this Section.

3 §8.8. Certification appeals; appeals council; membership; duties; reporting

4 ~~§7(6)(f)(i)~~ A. The board State Board of Elementary and Secondary
 5 Education shall establish an appeals process which provides for the circumstances
 6 under which an applicant who has been denied certification may appeal ~~such~~ the
 7 denial to the Teacher Certification Appeals Council, referred to in this ~~Subparagraph~~
 8 Section as the "council".

9 ~~(ii)~~ B. The council shall consist of nine members recommended by the state
 10 superintendent of education and approved by the board as follows:

11 ~~(aa)~~ (1) Three council members shall be college of education faculty
 12 members, each of whom shall represent a postsecondary education institution
 13 participating in both traditional and alternative certification programs. The Louisiana
 14 Association of Colleges for Teacher Education, the Louisiana Association of
 15 Independent Colleges and Universities, and the Louisiana Association of Teacher
 16 Educators shall each submit a list of three nominees. The superintendent shall
 17 recommend one college of education faculty member from each ~~such~~ list.

18 ~~(bb)~~ (2) Three council members shall be classroom teachers. The Associated
 19 Professional Educators of Louisiana, the Louisiana Association of Educators, and the
 20 Louisiana Federation of Teachers shall each submit a list of three nominees. The
 21 superintendent shall recommend one classroom teacher from each ~~such~~ list.

22 ~~(cc)~~ (3) Three council members shall be certified school or system
 23 administrators. The Louisiana Association of School Executives, the Louisiana State
 24 Association of School Personnel Administrators, and the Louisiana Association of
 25 School Superintendents shall each submit a list of three nominees. The
 26 superintendent shall recommend one administrator from each ~~such~~ list.

27 ~~(iii)~~ C. Council members shall serve four-year terms, ~~after initial terms as~~
 28 ~~provided in this Item. As determined by lot at the first meeting of the council, initial~~
 29 ~~terms shall be as follows:~~

30 ~~(aa) One college of education faculty member, one classroom teacher, and~~

1 ~~one certified school or system administrator shall serve an initial term of two years.~~

2 ~~(bb) One college of education faculty member, one classroom teacher, and~~
 3 ~~one certified school or system administrator shall serve an initial term of three years.~~

4 ~~(cc) One college of education faculty member, one classroom teacher, and~~
 5 ~~one certified school or system administrator shall serve an initial term of four years.~~

6 ~~(iv)~~**D.** A majority of council members, not including vacancies, shall
 7 constitute a quorum. All actions of the council shall be approved by the affirmative
 8 vote of a majority of the members present and voting.

9 ~~(v)~~**E.** The council shall evaluate the appeals of persons seeking Louisiana
 10 certification, including a review of the documents and transcripts of appellants, and
 11 shall submit a written report of its findings to the board. A decision of the council
 12 shall be a final decision.

13 ~~(vi)~~**F.** The council shall not consider appeals of persons who are nondegreed,
 14 lack any examination scores required by the board for initial certification or
 15 administrative certification, or lack fifty percent or more of required course work.
 16 The council shall not consider requests to waive state or federal statutes pertaining
 17 to teacher certification.

18 ~~(vii)~~**G.** The board shall establish by rules and regulations, in accordance with
 19 the Administrative Procedure Act, all guidelines and procedures for carrying out the
 20 provisions of this ~~Subparagraph~~ **Section**.

21 **H. Upon the notification of the dissolution of any association with**
 22 **nominating authority under this Section, the board shall name a similar**
 23 **association to act as a nominating authority. The association shall submit a list**
 24 **of three nominees to the superintendent. The superintendent shall recommend**
 25 **one person from the list for approval by the board.**

26 **§8.9. Criminal history reviews for certification, teaching permits, or teacher**
 27 **authorizations; state repository**

28 ~~§15(C)~~**A.**(1) Any **Beginning January 1, 2025, any** applicant for an **initial**
 29 educator credential or teaching authorization issued by the State Board of
 30 Elementary and Secondary Education ~~or~~ **through** the state Department of Education

1 shall undergo a criminal history record check as provided in this ~~Subsection~~ Section.

2 (2) ~~The~~ Except as provided in R.S. 17:8.7(B), the State Board of
3 Elementary and Secondary Education by rule adopted in accordance with the
4 Administrative Procedure Act shall establish requirements and procedures consistent
5 with the provisions of R.S. 15:587.1 under which the state Department of Education
6 shall, for any applicant for or recipient of an educator credential or teaching
7 authorization issued in accordance with state law or board policy, do the following:

8 (a) Request information from the Louisiana Bureau of Criminal Identification
9 and Information, referred to in this ~~Subsection~~ Section as the "state bureau", and the
10 Federal Bureau of Investigation, referred to in this ~~Subsection~~ Section as the "federal
11 bureau", concerning whether the person has been arrested for, convicted of, or pled
12 nolo contendere to any criminal offense.

13 (b) Require and provide the procedure for the submission of a person's
14 fingerprints to the state bureau, and from the state bureau to the federal bureau, in a
15 form acceptable to the state bureau.

16 (3) The State Board of Elementary and Secondary Education by rule adopted
17 in accordance with the Administrative Procedure Act shall establish requirements
18 and procedures consistent with the provisions of R.S. 15:587.1 under which the
19 board may, for any applicant for or recipient of an educator credential or teaching
20 authorization issued in accordance with state law or board policy, do the following:

21 (a) Request information from the state bureau and the federal bureau
22 concerning whether the person has been arrested for, convicted of, or pled nolo
23 contendere to any criminal offense.

24 (b) Require and provide the procedure for the submission of a person's
25 fingerprints to the state bureau, and from the state bureau to the federal bureau, in a
26 form acceptable to the state bureau.

27 (4) The state Department of Education may charge a criminal history record
28 check processing fee not to exceed twenty-five dollars, which may be increased by
29 up to five percent annually; may collect the processing fees charged by the state
30 bureau for a state criminal history record check and the federal bureau for a federal

1 criminal history record check; and may collect the fees charged by sheriffs and third-
 2 party vendors for fingerprinting. The department shall timely submit the appropriate
 3 fees to the appropriate entities.

4 (5) ~~Except as provided in R.S. 17:7(6)(h), neither~~ **Neither** the board nor the
 5 department shall issue an educator credential or teaching authorization to a person
 6 who has been convicted of or has pled nolo contendere to a crime listed in R.S.
 7 15:587.1(C) **or any felony.**

8 ~~(6) Any~~ **B. The department shall check the rap backs provided for in R.S.**
 9 **15:587.1 for any** person with an educator credential or teaching authorization issued
 10 prior to June 1, 2023, shall obtain a state and federal criminal history check, through
 11 the procedures provided for in this Subsection for new applicants **who has not**
 12 **previously obtained a state and federal criminal history check by the**
 13 **department,** when **an educator is** seeking to have such educator **a** credential or
 14 teaching authorization renewed, advanced, or otherwise modified ~~or by June 1, 2028,~~
 15 ~~whichever occurs sooner.~~ **The department may obtain a state and federal**
 16 **criminal history check in accordance with this Section.**

17 ~~C.~~ Except as provided in ~~R.S. 17:7(6)(h)~~ **R.S. 17:8.7(B),** neither the board
 18 nor the department shall **issue,** renew, advance, or otherwise modify an educator
 19 credential or teaching authorization for a person who has been convicted of or has
 20 pled nolo contendere to a crime listed in R.S. 15:587.1(C).

21 **D.(1) Upon final conviction of or plea of guilty or nolo contendere to any**
 22 **felony offense or any offense listed in R.S. 15:587.1(C), an administrator,**
 23 **teacher, or other school employee who has an educator credential or teaching**
 24 **authorization issued by the board or the department shall report the fact of the**
 25 **conviction or plea to the department within two business days, exclusive of**
 26 **weekends and holidays, of the conviction or plea.**

27 **(2) An administrator, teacher, or school employee who fails to report to**
 28 **the department the conviction or plea shall be fined not more than one thousand**
 29 **dollars or imprisoned for not more than one year, with or without hard labor,**
 30 **or both.**

1 (3) The board shall revoke the educator credential or teaching
2 authorization of any person whose criminal history check reveals a conviction
3 of or plea of guilty or nolo contendere to any offense listed in R.S. 15:587.1(C)
4 or any felony offense.

5 (4) The department shall notify the last known school that employed the
6 person of the revocation of the educator credential or teaching authorization.

7 E. The department shall maintain and make available on its website the
8 identity of any person whose teaching certification or teaching authorization has
9 been denied, suspended, or revoked for any of the following reasons:

10 (1) The person has been convicted of or has pled nolo contendere to a
11 crime listed in R.S. 15:587.1(C), or any felony, even if adjudication was withheld
12 or a pardon or expungement was granted.

13 (2) The person has been found to have submitted fraudulent
14 documentation to the board or the department as part of an application for a
15 Louisiana teaching certificate or other teaching authorization.

16 (3) The person has been found to have facilitated cheating on any state
17 assessment as determined by the board.

18 F. A public or nonpublic elementary or secondary school system in
19 Louisiana may choose not to hire a person whose certification or teaching
20 authorization has been denied, suspended, or revoked.

21 G. The board may adopt any rules necessary for the orderly
22 implementation of this Section and may make further provisions not
23 inconsistent with this Section.

24 * * *

25 §15. Criminal history review

26 * * *

27 B. Each city, parish, and other local public school board shall establish, by
28 regulation, requirements, and procedures consistent with the provisions of R.S.
29 15:587.1 under which the school systems ~~shall~~ may determine whether an applicant
30 with a teaching credential or authorization issued by the state board or the state

1 **department, or and shall determine whether an** employee, including any person
 2 employed as provided in Subparagraph (A)(1)(c) of this Section, has been arrested
 3 for or convicted of or pled nolo contendere to any criminal offense. **A criminal**
 4 **background check is not required for an applicant with a teaching credential**
 5 **or authorization issued by the board or the department unless the applicant's**
 6 **teaching certification or teaching authorization has been denied, suspended, or**
 7 **revoked by the board or the department.** Included in this regulation shall be the
 8 requirement and the procedure for the submission of a person's fingerprints in a form
 9 acceptable to the Louisiana Bureau of Criminal Identification and Information prior
 10 to employment of such person.

11 * * *

12 C. [Redesignated as R.S 17:8.9]

13 * * *

14 E.(1) An administrator, teacher, or other school employee upon his final
 15 conviction **of** or plea of guilty or nolo contendere to any criminal offense, excluding
 16 traffic offenses, shall report the fact of his conviction or plea to his employer **and to**
 17 **the department** within ~~forty-eight hours~~ **two business days, exclusive of weekends**
 18 **and holidays,** of the conviction or plea of guilty or nolo contendere. **Upon receiving**
 19 **a report of a final conviction of or plea of guilty or nolo contendere to any**
 20 **criminal offense, excluding traffic offenses, by an employee holding a teaching**
 21 **certificate or teaching authorization issued by the state board, a school or school**
 22 **system shall report the fact of the conviction or plea to the Louisiana**
 23 **Department of Education within two business days, exclusive of weekends and**
 24 **holidays, of receiving the report of the conviction or plea of guilty or nolo**
 25 **contendere.**

26 * * *

27 Section 2. R.S. 15:587.1(A), (B)(1)(a), (C)(introductory paragraph), (D)(2), and (E)
 28 are hereby amended and reenacted to read as follows:

29 §587.1. Provision of information to protect children

30 A.(1)~~(a)~~ As provided in R.S. 15:825.3, R.S. ~~17:15,~~ **17:8.9, 15,** 407.42, and

1 407.71, Children's Code Article 424.1, and R.S. 46:51.2, any employer or others
 2 responsible for the actions of one or more persons who have been given or have
 3 applied to be considered for a position of supervisory or disciplinary authority over
 4 children, and as provided in R.S. 46:51.2(A), the Department of Children and Family
 5 Services as employer of one or more persons who have been given or have applied
 6 to be considered for a position whose duties include the investigation of child abuse
 7 or neglect, supervisory or disciplinary authority over children, direct care of a child,
 8 or performance of licensing surveys, and for individuals who are employed by or
 9 contracted staff of a child care institution, as defined in 42 U.S.C. 672, licensed by
 10 the department, shall request in writing that the bureau supply information to
 11 ascertain whether that person or persons have been arrested for or convicted of, or
 12 pled nolo contendere to, any criminal offense. The request must be on a form
 13 prepared by the bureau and signed by a responsible officer or official of the
 14 organization or department making the request. It must include a statement signed
 15 by the person about whom the request is made which gives his permission for such
 16 information to be released.

17 ~~(b)~~**(2)** In responding to a request for information as provided for in
 18 ~~Subparagraph (a) of this Paragraph~~ **(1) of this Subsection**, the bureau shall make
 19 available a record of all criminal arrests and convictions prior to the date of request.
 20 Any recipient of such information as provided in this ~~Paragraph~~ **Subsection** shall
 21 maintain the confidentiality of such criminal history information in accordance with
 22 applicable federal or state law.

23 ~~(e)~~**(3)** The bureau, upon receiving a request as provided for in ~~Subparagraph~~
 24 ~~(a) of this Paragraph~~ **(2) of this Subsection**, shall provide a report promptly and in
 25 writing, but provide only such information as is necessary to specify whether or not
 26 that person has been arrested or convicted of or pled nolo contendere to any such
 27 crime or crimes, the crime or crimes of which he has been arrested or convicted or
 28 to which he has pled nolo contendere, and the date or dates on which they occurred.

29 B.(1)(a) Upon receiving a request pursuant to the provisions of R.S. ~~17:15,~~
 30 **17:8.9, 15,** 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587,

1 that meets the requirements of Subsection A of this Section, the bureau of criminal
 2 identification and information shall survey its criminal history records and
 3 identification files and make a simultaneous request of the Federal Bureau of
 4 Investigation for like information from other jurisdictions. The bureau of criminal
 5 identification and information shall provide a report promptly and in writing, but
 6 provide only such information as is necessary to specify whether or not that person
 7 has been arrested for or convicted of or pled nolo contendere to any crime or crimes,
 8 the crime or crimes of which he has been arrested for or convicted or to which he has
 9 pled nolo contendere, and the date or dates on which they occurred. The report
 10 provided pursuant to the provisions of this Subsection shall include arrests,
 11 convictions, or other dispositions, including convictions dismissed pursuant to Code
 12 of Criminal Procedure Articles 893 and 894.

13 * * *

14 C. The provisions of R.S. 15:825.3, R.S. ~~17:15~~, 17:8.9, 15, 407.42, and
 15 407.71, R.S. 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern
 16 the employment of persons who have been convicted of, or pled guilty or nolo
 17 contendere to, any of the following crimes:

18 * * *

19 D. * * *

20 (2) The prohibition in Paragraph (1) of this Subsection against an individual
 21 applicant bearing any of the costs of providing information shall not apply to
 22 requests made pursuant to the provisions of R.S. ~~17:15~~, 17:8.9, 15, 407.42, or 407.71
 23 or R.S. 46:51.2.

24 E. In addition to any penalties otherwise imposed under the provisions of this
 25 Chapter, the head of or other responsible person for any public entity who fails to
 26 comply with the provisions of Subsection A of this Section or who employs any
 27 person in violation of the provisions of R.S. 15:825.3, R.S. ~~17:15~~, 17:8.9, 15, or R.S.
 28 46:51.2(A) or (B), shall be fined not more than five hundred dollars.

29 * * *

30 Section 3. R.S. 17:7(6)(e) and (10) are hereby repealed.

1 Section 4. The Louisiana State Law Institute is hereby directed to redesignate the
2 current provisions of Title 17 as provided in Section 1 of this Act.

3 Section 5. The Louisiana State Law Institute is hereby authorized to update any
4 citation references in Louisiana Law to conform with the changes made by this Act.

5 Section 6. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____